BOMBAY ACT No. VII OF 1920.[1]

[THE BOMBAY PUBLIC CONVEYANCES ACT, 1920.]

[*17th June, 1920.*]

An Act to amend the Law relating to the regulation of Public Conveyances.

WHEREAS it is expedient to amend the law relating to the regulation of public conveyances; And whereas the previous sanction of the Governor General required by sub-section (2) of section 79 of the Government of India Act, 1915, has been obtained for the passing of this Act; It is hereby enacted as follows :—

5 and 6 Geo. 5, c. 61.

1. (*1*) This Act may be called the Bombay Public Conveyances Act, 1920. Short title and extent.

(*2*) This section and sections 36, 38 and 39 extend to the whole of the Presidency of Bombay. The rest of the Act extends, subject to the provisions of section 36, only to the City of Bombay.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(*a*) "Commissioner of Police" means the Commissioner of Police for the City of Bombay and includes any person authorised by him to exercise or perform any power or duty imposed or conferred on the Commissioner of Police by this Act;

(*b*) "public conveyance" means a wheeled vehicle, drawn by one or more horses or other animals or by hand, which is used for the purpose of plying for hire for the conveyance of persons or goods;

(*c*) "licensing year" means the calendar year commencing on the first of January of each year;

(*d*) "driver" includes a conductor, attendant or other person in charge of a public conveyance;

(*e*) "licensee" means the holder of a license granted under this Act for a public conveyance or a horse or a driver of a public conveyance.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1919, Pt. V, p. 945; for Report of Select Committee, *see ibid*, 1920, Part V, p. 51; and for Proceedings in Council, *see ibid*, 1919, Part V, p. 1092; *ibid*, 1920, p. 265.

Licensing of Public Conveyances.

Public conveyances to be licensed.

3. (*1*) No person shall keep or let for hire any public conveyance without a license granted by the Commissioner of Police in this behalf.

(*2*) On every public conveyance—

(*a*) the number of the conveyance as entered in the license granted for the same, and

(*b*) where the conveyance is licensed to carry passengers, the number of passengers which it is licensed to carry,

shall be clearly inscribed in such manner as the Commissioner of Police may direct.

Licenses for public conveyances.

4. (*1*) Such licenses shall remain in force for the licensing year, unless sooner determined under the provisions of this Act, and shall be renewable.

(*2*) Such licenses shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe :—

(*a*) the full name and address of the licensee ;

(*b*) the date on which the license was granted and the date on which it will expire by efflux of time ;

(*c*) the local area for which the license is granted ;

(*d*) the number and class of the conveyance ;

(*e*) the number of horses or other animals (if any) by which it is to be drawn ;

(*f*) the number of passengers (if any) which it may carry.

(*3*) Such licenses shall not be transferred by the licensee to any other person without the sanction of the Commissioner of Police and if transferred without such sanction shall thereupon become void. Such sanction when granted shall be endorsed on the license.

Grounds on which license may be refused or cancelled.

5. (*1*) The Commissioner of Police may refuse to grant a license for a public conveyance if in his opinion the conveyance is insufficiently found or is otherwise unfit for the purpose for which it is intended.

(*2*) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a license for a public conveyance on either of the foregoing grounds, or if in his opinion—

(*i*) the licensee has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the license, or

(*ii*) a conveyance licensed for carrying goods has been used for carrying passengers.

(3) When refusing to renew, or suspending or cancelling a license for a public conveyance, the Commissioner of Police may erase the inscription made thereon in accordance with this Act.

Number, etc., to be inscribed on conveyance.

6. (1) When granting or renewing a license for a public conveyance, and at other times when necessary, the Commissioner of Police shall cause the particulars required by clauses (*a*) and (*b*) of sub-section (2) of section 3 to be painted or otherwise clearly inscribed upon the conveyance.

(2) No fee shall be charged for any inscription made under the foregoing sub section when it is made at the time when the license is granted or at the annual renewal of the license, but when such inscription is made at any other time a fee at one-half of the rate chargeable for the grant of a license for a public conveyance under section 7, sub-section (1), shall be charged.

Fees for public conveyance licenses.

7. (1) For the grant of a license for a public conveyance a fee shall be charged at such rate as the Commissioner of Police shall prescribe.

(2) For the renewal of such license a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged.

Licensing of horses.

Licensing of horses.

8. (1) No horse shall be used for drawing a public conveyance except under a license granted by the Commissioner of Police in respect of such horse.

(2) Such licenses shall remain in force for the licensing year unless sooner determined under this Act, and shall be renewable.

(3) Such licenses shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe:

(*a*) the full name and address of the licensee;

(*b*) the date on which the license was granted and the date on which it will expire by efflux of time;

(*c*) the local area for which the license is granted;

(*d*) a description of the horse for which the license is granted and the marks of identification of the same;

(*e*) the class of conveyance to draw which the horse may be used.

(4) Such licenses may not be transferred by the licensee to any person without the sanction of the Commissioner of Police and if transferred without such sanction shall thereupon become void. Such sanction shall be endorsed on the license.

Branding of horses.

9. When granting a license for a horse the Commissioner of Police shall brand such horse on the hoof in such manner that it may be easily identified.

Grounds on which license for horse may be refused or cancelled and examination by a veterinary practitioner.

10. (*1*) The Commissioner of Police may refuse to grant or renew, and may at any time suspend, a license for a horse if in his opinion such horse is in any way unfit for use in a public conveyance.

(*2*) In case of such refusal or suspension the owner of the horse or licensee, as the case may be, may require that such horse be examined by a veterinary practitioner of the Government or of a local authority, and, if in the opinion of such practitioner the horse is fit for use in a public conveyance, the Commissioner of Police shall grant or renew the license or cancel the order of suspension.

Licensing of Drivers.

Drivers to be licensed.

11. (*1*) No person shall act as driver of a public conveyance without a license granted by the Commissioner of Police in this behalf.

(*2*) Such licenses shall remain in force for the licensing year unless sooner determined under this Act, and shall be renewable.

(*3*) Such licenses shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe:

(*a*) the full name and address of the licensee;

(*b*) the date on which the license was granted and the date on which it will expire by efflux of time;

(*c*) the local area for which the license is granted;

(*d*) the class of public conveyance which the licensee is licensed to drive.

Grounds on which driver's license may be refused or cancelled.

12. (*1*) The Commissioner of Police may refuse to grant a license to a driver if in his opinion such driver is unfit on account of youth, infirmity, bad character or any other reason to pursue the occupation of driver of a public conveyance.

(*2*) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a driver's license on the foregoing grounds or if the holder has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the license.

Drivers' badges.

13. (*1*) When granting a license to a driver the Commissioner of Police shall provide him with a metal badge bearing the number of the license.

(*2*) Every driver who has received such badge shall wear the same on a conspicuous part of his dress at all times when pursuing his occupation as driver.

(3) No driver who has received such badge shall permit any other person to wear the same : provided that any person, other than the driver to whom a badge has been given by the Commissioner of Police, who shall wear such badge shall be presumed, until the contrary is proved, to wear it with such driver's permission.

Fees for drivers' licenses.

14. (1) For the grant of a license to a driver a fee shall be charged at such rate as the Commissioner of Police shall prescribe.

(2) For the renewal of such license a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged.

Provisions relating to licensees.

Licenses when suspended or cancelled to be returned.

15. Every license which has been suspended or cancelled shall be returned by the licensee to the Commissioner of Police within twenty-four hours after the suspension or cancellation thereof.

Change of address of licensee to be reported.

16. Whenever a licensee shall change his residence he shall within one week thereafter give notice thereof in writing signed by himself to the Commissioner of Police.

Public conveyance or horse to be produced for inspection when required.

17. Every licensee of a public conveyance or horse shall produce such conveyance or horse for inspection whenever the Commissioner of Police shall require him to do so.

Fares and stands.

Rates of fares.

18. The Commissioner of Police shall, subject to the conditions of previous publication and the previous sanction of the Governor in Council, fix the legal rates of fares for public conveyances.

Stands.

19. The Commissioner of Police shall appoint stands or places, at which alone public conveyances may stand to ply for hire.

Driver to have his license as driver and list of fares.

20. (1) Every driver of a public conveyance shall have with him when pursuing his occupation as driver the license granted to him under section 11 of this Act and a clean and legible list, in English and such vernacular language or languages as the Commissioner of Police may direct, bearing the name in full of the licensee of the conveyance and showing the rates of fares fixed for the time being for the hire of the conveyance, with an abstract of the law relating to public conveyances.

(2) Every such driver shall on demand by a police officer produce for inspection such license and list.

(3) Every such driver shall on demand produce such list for the information of any hirer of, or passenger travelling in, the conveyance.

Book of fares to be issued.

21. Lists of the fares fixed for public conveyances, as for the time being in force, together with the abstract referred to in the preceding section, shall be prepared by the Commissioner of Police and sold to the public at a reasonable price.

Offences and punishments.

22. Any person who shall—

Keeping public conveyance without license.

(*a*) keep or let for hire any public conveyance without a license granted by the Commissioner of Police in this behalf and for the time being in force, or

(*b*) who shall keep or let for hire any public conveyance on which the number and other particulars required by section 3 are not clearly inscribed in such manner as the Commissioner of Police directs,

shall be punishable with fine which may extend to one hundred rupees.

Failure to cause public conveyance to ply when so required by the police.

23. Any licensee of a public conveyance who shall without sufficient reason fail to cause such conveyance to ply for hire when required to do so by a police officer and any driver of a public conveyance who shall without sufficient reason fail duly to pursue his occupation when required to do so by a police officer, shall be punishable with fine which may extend to fifty rupees.

Licensee of public conveyance permitting unlicensed driver to use the same or permitting the same to be drawn by unlicensed horse.

24. Any licensee of a public conveyance who shall, when the same is used for the purpose of a public conveyance, permit any person to act as driver thereof other than a driver duly licensed under this Act, or who shall, when such conveyance is used for the purpose aforesaid, permit the same to be drawn by a horse other than a horse for which a license is in force under this Act, shall be punishable with fine which may extend to fifty rupees.

Failure to produce public conveyance or horse for inspection.

25. Whoever, being the licensee of a public conveyance or horse, shall fail to produce such conveyance or horse for inspection when required to do so by the Commissioner of Police shall be punishable with fine which may extend to twenty rupees.

Offences by drivers of public conveyances.

26. (*1*) Whoever shall act as driver of a public conveyance without a driver's license granted by the Commissioner of Police in this behalf and for the time being in force, or without a badge granted to him by the Commissioner of Police or, when acting as such driver, shall fail to wear such badge on a conspicuous part of his dress; and

(*2*) Whoever, being the driver of a public conveyance, shall—

(*a*) permit any other person to use his license or badge;

(*b*) permit more passengers to be carried in a public conveyance than it is licensed to carry;

(*c*) conceal or permit to be concealed from public view the inscription made on a public conveyance in accordance with this Act, or prevent or attempt to prevent any person taking note of such inscription;

(*d*) permit any person to be carried, without the express consent of the hirer, in a public conveyance the whole of which has been hired by any person;

(*e*) fail to produce, on demand by a police officer, the license granted to him under section 11 or a list of the legal rates of fares as required by this Act;

(*f*) fail to produce, on demand by a hirer of, or passenger travelling in, a public conveyance a list of the legal rates of fares for such conveyance as required by this Act;

(*g*) refuse or neglect to give way, if he conveniently can, to any private conveyance, or obstruct or hinder the driver of any other public conveyance in taking up or setting down any person into or from such other public conveyance;

(*h*) be intoxicated at any time while pursuing his occupation as driver;

(*i*) make use of insulting or abusive language or gesture;

(*j*) refuse to obey the reasonable orders of any person hiring a public conveyance of which he is in charge;

(*k*) when acting as driver, permit the inside of a public conveyance of which he is in charge to be dirty; or

(*l*) when in charge of a public conveyance other than a cart used for conveyance of goods,—

(*i*) demand prepayment of his fare, or

(*ii*) refuse without reasonable cause to carry any person desiring to hire the conveyance, or

(*iii*) refuse or delay to proceed with reasonable expedition, or

(*iv*) demand for the hire of the conveyance more than the legal fare, or

(*v*) stand to ply for hire at any place other than a stand or place appointed under this Act or loiter for the purpose of being hired in or upon any public street, road or place,

shall be punishable with fine which may extend to fifty rupees.

Failure to return license or to notify address.

27. Any licensee

(*a*) who shall fail to return a license which has been suspended or cancelled to the Commissioner of Police within twenty-four hours after the suspension or cancellation thereof, or

(*b*) who, after changing his residence, shall fail to give notice thereof in writing signed by himself to the Commissioner of Police within one week after such change has taken place, or

(*c*) who shall contravene any condition of his license,—

shall be punishable with fine which may extend to twenty rupees.

Injury to public conveyance.

28. Any person using a public conveyance who shall wilfully or negligently injure the same shall be punishable with fine which may extend to twenty rupees, and shall also pay the owner of such conveyance such compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

Compensation payable by driver causing damage.

29. The driver of any public conveyance who shall, by negligence or misconduct, cause any hurt or damage shall, in addition to any punishment to which he may be liable by law, pay the complainant such reasonable compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

Procedure.

Arrest by police.

30. Any police officer may arrest without warrant any person who has committed any offence under this Act, and may seize and detain any conveyance or horse in relation to which such offence has been committed.

Procedure in case of dispute.

31. (*1*) In case of any dispute between the hirer and driver of a public conveyance, either party may require the other to proceed forthwith to the nearest Magistrate's Court, where the dispute shall be determined in a summary manner by the Magistrate then sitting.

(*2*) If no Magistrate is then sitting, either party may require the other to proceed to the nearest police officer of rank not below that of inspector who shall, if necessary, arrange for the hearing of the case at the next sitting of the Court.

(*3*) On failure of either party to appear before the Magistrate in pursuance of a requisition under sub-section (*1*) or sub-section (*2*), or to attend the Court at any subsequent sitting to which the case may be adjourned, the Magistrate may decide the case *ex parte* and his decision shall be binding on both parties.

(*4*) Provided that, if the hirer is about to leave the City of Bombay, a police officer to whom reference has been made under sub-section (*2*) may, after hearing both parties, require the hirer to deposit such sum, if any, as

appears to be due by him, and, if any compensation appears to be due under section 28, an additional sum of ten rupees, and the hirer shall not be required to attend the Magistrate's Court. The police officer shall report the dispute to the Magistrate and the Magistrate may award the driver such sum, if any, not being in excess of the amount deposited by the hirer, as he considers just, and if any offence appears to have been committed, shall inquire into the same according to law. In either case where any surplus remains of the deposit made by the hirer, the Magistrate shall give notice hereof to the hirer and return it to him on demand.

(5) Where the Magistrate is satisfied that one party had no reasonable ground for requiring the other party to proceed to his Court or to the nearest police officer, he may direct the former party to pay to the latter such compensation not exceeding fifty rupees as he thinks fit, and such compensation shall be leviable as a fine.

Licensee may be required to produce driver : penalty.

32. (*1*) When a complaint is made before a Magistrate against a driver of a public conveyance under this Act, the Magistrate may, if the driver fails to appear, summon the licensee of such conveyance to appear and produce the driver.

(2) If the licensee after being duly summoned fails without reasonable excuse to appear or to produce the driver he shall be punishable with fine not exceeding fifty rupees.

Refusal to pay fare.

33. If any person who has hired a public conveyance refuses to pay the legal fare thereof, the Magistrate may order payment of such fare and also of reasonable compensation for loss of time ; such fare and compensation shall be leviable as a fine.

Miscellaneous.

Disposal of property : penalty.

34. (*1*) All property left in any public conveyance shall be forthwith deposited by the licensee or driver of such conveyance at the nearest police station.

(2) The Commissioner of Police shall cause such property to be returned to such person as shall prove to his satisfaction that he is entitled to the same, on payment by such person of all expenses reasonably incurred and of such compensation to the driver of the public conveyance as the Commissioner of Police may consider just.

(3) Any licensee or driver failing to deposit any property as required by sub-section (*1*) shall be punishable with fine which may extend to fifty rupees.

Rules.

35. (*1*) The Commissioner of Police, subject to the condition of previous publication, may make rules not inconsistent with the provisions of this Act for the regulation of public conveyances.

(*2*) Such rules shall be published in the Bombay Government Gazette.

Extension of Act.

36. (*1*) The Commissioner in Sind or the Commissioner of a division may by [1]notification in the Bombay Government Gazette extend this Act or any specified provisions thereof to any area within his jurisdiction from a date to be stated in such notification.

(*2*. Where this Act or any portion thereof is extended to any such area, the Commissioner in Sind or the Commissioner of the division, as the case may be,—

(*a*) shall by notification appoint some person to perform the functions assigned by this Act to the Commissioner of Police; and

(*b*) may by notification direct that any particular Magistrates or classes of Magistrates shall exercise jurisdiction under this Act and

(*c*) may by notification direct—

(*i*) that any class of vehicles shall be exempt from all or any of the provisions of this Act, or

(*ii*) that all or any of the provisions of this Act, except those which relate to plying for hire, shall apply to vehicles or to any class of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire.

(*3*) A notification under this section extending this Act or any portion thereof to any area shall be published at least thirty days before the date fixed for its coming into effect.

(*4*) When this Act or any portion thereof is extended to any area, the powers of fixing fees and of appointing stands and of making rules shall be exercised subject to the approval of the Commissioner in Sind or the Commissioner of the division, as the case may be.

(*5*) When this Act or any portion thereof has been extended to any area, the Commissioner in Sind or the Commissioner of the division, as the case may be, shall pay to the local authority administering this Act in such area or, if there be more than one such local authority, to the local authorities of such area in such proportion as he shall think fit, the balance remaining after

[1] For such notification *see* Bombay Government Gazette, 1920, Part I, page 2830.

deducting from the fees charged in such area under this Act or the rules made thereunder the expenditure incurred in the administration of this Act in such area.

Application in city of Bombay of certain provisions to vehicles not used for plying for hire.

37. The Governor in Council may by notification in the Bombay Government Gazette direct that all or any of the provisions of this Act, except those which relate to plying for hire, shall apply to vehicles or to any class of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire.

Powers may be exercised from time to time.

38. All powers conferred by this Act may be exercised from time to time as occasion requires.

Repeal of certain enactments.

39. The enactments specified in the Schedule are hereby repealed to the extent stated in the fourth column thereof.

THE SCHEDULE.

(*See section 39.*)

1	2	3	4
Year.	No.	Short title.	Extent of repeal.
		Act of the Governor General in Council.	
1895	XVI	[1]The Amending Act, 1895 . . .	The entry in the second Schedule relating to Bombay Act No. VI of 1863.
		Acts of the Governor of Bombay in Council.	
1863	VI	An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay.	So much as has not been repealed.
1887	V	An Act to amend Bombay Act No. VI of 1863.	The whole.
1915	III	[2]The Bombay Decentralization Act, 1915 .	The entry in Schedule I relating to Bombay Act No. VI of 1863.

[1] Vol. I of this Code.

[2] *Supra.*